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## THE SEARCH FOR THE VENEZUELA-GUIANA BOUNDARY<sup>1</sup>

I HAVE been asked to tell something of the historical work of President Cleveland's Boundary Commission. Where the Guiana boundary is, or even where it ought to be, I shall not tell : first, because it would be unkind while the question is still *sub judice* ; secondly, because nobody cares, now that Great Britain and Venezuela have agreed to leave it to a court ; and, in the third place, because I never found out. Of the methods by which it was sought I know something and may freely speak.

When, just three years ago, President Cleveland's startling message had created—for most of us—the “Venezuelan Question,” and a quintet of American jurists and scholars found themselves charged, at cost of peace or war, “to determine what is the true divisional line between the Republic of Venezuela and British Guiana,” I suppose that many of us expected them to betake themselves bodily to the debatable ground. Some such notion would seem to have possessed the Yale men of Washington, who at the dinner they early gave to the members of the Commission (three of them alumni of Yale) presented each with a huge package of quinine and a bottle of Bourbon whiskey. But, if that mode of solution occurred to the Commissioners themselves, it was soon dispelled by something more than their fear of the shakes. For the mass of maps and descriptions with which they were forthwith flooded by the Library of Congress, to which they first appealed for help, showed that disputed region but a tangle of swamp and forest, with no paths save its rivers, and these as yet scarce threaded by any white man. Not a map of them all showed a sign of a line fence, and even Mr. Schomburgk's posts had, it was said, been long ago pulled up.

For a little there was hope, indeed, that light on the question might be gained from the maps themselves. But, though these agreed beautifully in making Venezuela yellow and British Guiana red, there was a most tantalizing want of harmony among them as to the meeting-point of these colors. For aid in their interpreta-

<sup>1</sup> This paper was read before the American Historical Association at its late meeting in New Haven.

tion, the Commission called on the recognized leader of American historical geographers—here to be named only with bowed head—Professor Justin Winsor; but even he, after sifting two or three hundred of them, could only report that “this cartographical survey makes it clear . . . that there is, and that there can be, no ‘true divisionary line,’ in the sense of indubitable.”

Yet a “true divisional line” the Commission must find. Flouted by nature and baffled by the geographers, they could but take recourse to history. Was there not in the records some clue to a line unmarked by a survey and unpictured in the maps? Our Department of State had laid before the Commission a huge body of diplomatic correspondence, running back for more than half a century. But this only showed that throughout this period no claim had been made by either power, save under express protest by the other. And it appeared, by the repeated statement of each, that neither based its claims on title originally gained by itself, but on a cession of the rights of Spain or of Holland. Even that famous Schomburgk line, whose exemption from question had given rise to the trouble, proved on inquiry to rest, not on divine inspiration, but only on the alleged claims of the Dutch.

It was to the records, then, not of Venezuela and Great Britain, but of Spain and the Netherlands, that the Commission must turn for light. First of all, of course, there were the treaties. These happily were accessible in print, and were only three in number: that of Münster, in 1648, by which Spain first recognized the independence of the Dutch and their right to their colonies,—that of Utrecht, in 1713, which as to the Indies but confirmed the other,—and that of Aranjuez, in 1791, which was merely a cartel for the exchange of slaves. Only that of Münster, then, could seriously come into question as a source of claim. Alas, it admitted of the most diverse interpretation. Venezuela saw in it no warrant for further Dutch colonization in lands claimed by Spain, while Great Britain found in it an express permission to the Dutch “to make fresh acquisitions” of territory “wherever the Spaniards were not already established;” and the true meaning of this clause could not be determined with certainty from the treaty alone. It was at this point that the Commission turned for help to an historical student outside its own body; and it fell to me, for reasons which I can only hope the outcome may have revealed, to be called into its service.

My first task was the interpretation of the disputed clause. To ascertain the authorized language of the treaty, and to determine the precise words used in its official original and their force in the idiom of the time,—to learn from the circumstances of the time and

the negotiations leading to the treaty what was in the thought of the parties,—to inquire into the general policy of each state as to unsettled lands in the Indies,—to find out if this clause of the treaty had ever been appealed to by either power, and, if so, in what sense,—to study the meaning put upon it by later diplomatists and historians: these were clearly the channels through which knowledge was to be sought. And, happily, even the proceedings of the negotiators and the instructions to the envoys were available in print,—those of the Dutch in the noble old work of Aitzema, those of the Spaniards in a lately published volume of the great national *Coleccion de Documentos Inéditos*, and the comments of their French colleagues in the *Négociations Secrètes* of Jean Leclerc. Not all these sources made possible a positive statement as to the meaning of the clause in question; but they at least made it very improbable that in the intent of the framers of the treaty it could have been so sweeping a concession as was claimed by its British interpreters.<sup>1</sup>

The treaties, then, did not help about the boundary. But it had been further urged by Great Britain that, long before these treaties, the Dutch Government had granted by charter to its West India Company the whole coast of Guiana, expressly naming the river Orinoco “as the limit of the Company’s territorial jurisdiction,” and that this limit had been repeatedly re-affirmed, both in the legislation of the States-General and in the grants made by the Company. This was important, if true; for a claim so notorious, if ignored by the treaties, might well go far to prove admitted ownership. But the legislation of the Dutch States-General, and even the grants of the Dutch West India Company, were for the most part also in print and accessible in American libraries; and it was a much easier task (though it cost a run to the libraries at the old Dutch capital of New Netherland) to learn of a surety that neither in any charter or act of the States-General nor in any published grant or legislation of the West India Company is there any mention of the Orinoco as a limit of territorial right, possession, or jurisdiction. It was, indeed,

<sup>1</sup> More than improbable I cannot even now deem it; and I must here most earnestly protest against a meaning given to my conclusions by sundry reviewers, Dutch as well as American, of the report of the Commission. I have been made to assert that the treaty of Münster *forbade* the Dutch further settlement in unsettled regions claimed by Spain. If the British interpretation seemed *improbable*, this seems to me *impossible*. As to unsettled regions, the treaty, in my opinion, simply shuts its eyes; agreement on this point between Spain and the Dutch, as between Spain and the other states of western Europe, was palpably impossible, and the treaty left the Dutch as to this on the same footing with the other powers and precisely where they were before. That nothing is said of this in my report is because that report had to do, not with the treaty as a whole, but only with one stipulated clause. Had I, however, supposed such a misunderstanding possible, I should certainly have guarded against it.

clear from these documents, that the whole coast of Guiana, from the Amazon to the Orinoco, was counted *open* to colonization by the Dutch ; but so, alas, it was also by the French and the English, who from the beginning of the century had been likewise planting settlements on this coast and without the slightest protest from the Dutch—whom, indeed, they preceded in this quarter.<sup>1</sup>

If errors so serious could be made in the interpretation of documents published and well known, how could the Commission rely on those which it knew only as laid before it by the contending parties ? Documents of interest were constantly being cited from the Dutch or the Spanish archives, and claims of much importance supported by vague reference to these, sometimes without the quotation of the document even in extract or in translation. How could the Commission know that papers of moment were not misunderstood, or mistranslated, or even overlooked ? Happily, as for Spain, where it might just then have been a delicate matter to ask favors for Americans, the government of Venezuela offered to lay before the Commission the transcripts, made and officially certified by the Spanish archivists themselves, of all the documents which could be found bearing upon the question at issue ; and on the correctness and the completeness of these there was a further check in the blue-books of the British government, in which the same documents, supplied from the same source, were being laid before the British public and incidentally before the Commission. At Rome, too, whence such evidence was hoped from the archives of the Propaganda and of the Capuchin order as to the Spanish missions in Guiana, there was reason to believe that through the courtesy of the ecclesiastical authorities, with whom the Commission was in correspondence, all that could be found would be furnished in certified form without the intervention of an agent. But from the records in Holland, whose testimony might be all-important as to

<sup>1</sup> And let me here take occasion to say a word upon a point raised by the keen-eyed but generous critic who reviewed the Commission's report for the *American Historical Review*. "The general course and tone," he thinks, of the work done for the Commission, "run much as a hostile criticism of the British case." I think there is truth in this ; but the explanation is simple. The British claims, which based themselves chiefly on facts of occupation, dealt in definite historical statements, demanding critical discussion. Venezuela, claiming by prior discovery, was content, as to these, to throw on her antagonist much of the burden of proof, and her sweeping denials neither needed nor permitted such criticism ; but, had the reviewer been as familiar with Venezuelan claims as with British ones, it is possible he might have found them no less fully answered. And, had the Commission's work not been interrupted before the Spanish evidence could be submitted to as thorough a sifting as the Dutch, it would perhaps have appeared that the only hostility was toward reckless statement. If those who served the Commission were sympathizers with either party to the controversy, I do not know it. But that is neither here nor there. It was not a question of sympathy : it was a question of historical fact.

those facts of occupation on which British claims were chiefly based, next to nothing had been printed even in translation ; nor could it be learned that research was there going on.

On the other hand, the work of the Commission among the great body of printed histories, travels, descriptions, which professed to give the facts as to the discovery and settlement of Guiana made it growingly conscious that here, too, there must be analysis and sifting by a trained investigator before anything could be taken as a basis for its own conclusions. To meet this double need, the Commission now called in further to its aid Professor Jameson, of Brown University, whose admirable monograph on the founder of the Dutch West India Company showed his pre-eminent fitness for dealing with the problems in hand. After looking over the field together, it seemed wise that he should investigate in American libraries the history of Spanish and Dutch settlements in Guiana prior to 1648 (the date of the treaty of Münster) while I was sent across the sea to explore the Dutch archives. His task was first completed, and his searching criticism vastly cleared the ground for the Commission by discarding a multitude of loose statements, both Spanish and Dutch, as to the beginnings of settlement in Guiana.

My own researches began at the Hague, where, of course, in the archives of the realm, was to be sought the diplomatic correspondence between Holland and Spain—those despatches of the Dutch ambassadors at Madrid to the States-General, to their secretary, and to the Pensionary of Holland, and those instructions issued in return by these to the ambassadors, wherein one might at any moment light on claim or protest as to Guiana. There, too, were of course the minutes of the States-General's own proceedings, to be skimmed for permissions to voyagers, for grants to colonists, for charters to traders ; there the records of the Dutch admiralties, with their rulings as to ships in every sea ; there the log-books of Dutch men-of-war, a vast collection, testifying much as to the Guiana coats ; there the huge tomes of negotiations and debates leading to the treaties of Münster and Utrecht—proving, happily, to hold little of moment not already printed. There, too, most important of all, I found, to my surprise and great joy, gathered now under this one roof of the national archives, the entire body of those papers of the Dutch West India Company for which, half a century ago, Brodhead, on the errand of the state of New York, had to ransack all Holland. And whereas, to Brodhead's grief, the papers of the Amsterdam Chamber, the body controlling New Netherland, had in large part been sold or burnt, those of the Zeeland Chamber, under whose control were the Guiana colonies, proved almost absolutely

intact. It was, indeed, their abundance which appalled. Of these thousands of thick volumes of manuscript, some hundreds at least, as was evident from the catalogue, must be thoroughly searched: reports and letters from Guiana and answering orders from its rulers, deliberations of the Company's chambers, prospectuses and grants, contracts and commissions, accounts without end of the Company's colonial farms, valuable in evidence of occupancy, pay-rolls and muster-rolls of the Company's servants, testifying to the location, date, duration, equipment, of those frontier trading-posts on whose site and character turn so much of British claim, journals of the colonial administration, transactions of the colonial courts, maps by the colonial surveyors.

From all these evidence had to be gleaned, transcribed, Englished; and despite the valued help that came to me in July through the coming of Dr. De Haan, of Johns Hopkins University, a careful scholar, Dutchman by birth and Spaniard by *Fach*, to whose hands I could safely entrust the task of collation and translation, weeks had grown to months before I could bring my investigations to a close. These had meanwhile led me from the Hague to Zeeland in the vain hope of there finding more in the municipal records, and thence across the North Sea to London, whither, not more to my surprise than to that of the Dutch archivists, a great part of the eighteenth-century records of the Essequibo colony were found to have drifted. It was past mid-October, notwithstanding all diligence, before I could sail for home with my transcripts.

Meanwhile, good work had been doing on this side of the sea. While the keen and tireless geographer of the Commission, Mr. Marcus Baker, had been shaping from the chaos of journals and reports a body of reliable data as to the natural features of the region in controversy, and directing the making of a map which should embody his results, its versatile secretary, Mr. Mallet-Prevost, was busy among the great map collections of our eastern cities in the almost hopeless pursuit of sources of suggestion and lines of dependence which should explain the contradictory boundaries of the map-makers.

If, in this survey of the work done *for* the Commission, I have seemed to lose sight of the work done *by* the Commission, it is only because for reasons of state, whose nature is evident, the work done *by* the Commission never saw the light. To prescribe, to direct, to keep abreast of all these lines of research, to correlate their results, and to determine the principles of law which should govern their application to the question at issue, meanwhile maintaining a check

upon the work of their lieutenants by dipping independently into all the more important sources, was a task to consume the leisure of far less busy men ; and none need doubt the sense of grateful relief with which they hailed the tidings that the responsibility of a verdict had been transferred to other shoulders. How far the Commission would have adopted the results of its experts, or what conclusions they would have based upon them, is of course beyond the reach of conjecture.

What, then, did it all amount to ? The American Commission, in its report, uttered the hope that its labors might be of value to the Arbitral Tribunal. I dare to trust that they have had an earlier use. Even while we were at work, a great change came over the attitude of both Great Britain and Venezuela to the matter at issue. From the point of view of the trained student it would be hard to conceive a contrast more striking than that of the second to the first of the blue-books in which the British Government set forth and established its claim. Rash statements of fact were quietly retired, asertions of right were modified, documents were given in full, with exact statement of their whereabouts, and even sometimes in the original tongue. Venezuela's indignant and sweeping denials gave place in later utterances to more definite and persuasive statement. And long before our work was published both countries had arrived, by independent research of their own, at more than one of our results. It may be that we only gave them the time to do this work. Yet, as I have turned over in the past months the pages of the Case and the Counter-Case submitted by each country to the Arbitral Tribunal, and have noted how, in spite of much additional evidence, both of document and map, the statement of historical fact laid down by each agrees at nearly all points with the results reached for the American Commission, and further how, as to this basis of historical fact, however divergent the claims based upon it, there is now substantial agreement between the contestants, so that their issue is now in the main one of law, not of fact, I have taken pleasure in the belief that already our work has proved of service.

We shall soon know the verdict of the final tribunal. Case and Counter-Case are in. The printed briefs have been submitted. The oral arguments will be heard in May. Before midsummer we shall doubtless know the result.

Whatever that result may be—whether or no our labors may have aided to add a few more miles of swamp or of forest to the territory of Great Britain or of Venezuela—I cannot believe that those labors are lost. Nay, even though errors of detail be detected in our work, if that work as a whole shall be found the work of



scholars and true men—work generous in scope, scientific in method, fair in spirit—I believe there must come out of it something better than the ownership of swamp or of forest, of gold mines or mouths of rivers. I believe that the world will be slow to forget that there has been found for an aggrieved nation, even when its demand for arbitration has been refused, a way to deal with a question of historical claim more effective than an immediate appeal to arms. And if, to the sober eye of retrospective history, it shall appear that in this instance the foremost of civilized states was on the point of being drawn into desperate war with two transatlantic neighbors over a claim which had no better objective basis than a German adventurer's misreading of an Indian name, I much doubt if any civilized state will so soon again be willing to risk the derision of posterity by refusing all peaceful arbitration until it has at least set its own scholars at one earnest effort to test the justice of its cause.

GEORGE LINCOLN BURR.